

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL MINUTES

Date: April 27, 2022

Time: 16 Minutes

Judge: EDWARD M. CHEN

Case No.: [21-cr-00306-EMC-1](#)

Case Name: United States v. Luis Antonio Tzun-Magana

Attorney for Government: Evan Mateer

Attorney for Defendant: Gabriela Bischof

Defendant: ☒ Present ☐ Not Present

Defendant's Custodial Status: ☐ In Custody ☒ Not in Custody

Deputy Clerk: Vicky Ayala

Zoom Webinar Time: 2:30-2:46

Interpreter: N/A

Probation Officer:

PROCEEDINGS

Status Conference.

SUMMARY

Parties stated appearances.

The Court observed that several of the issues raised in Defendant's motion to dismiss are currently pending before the Ninth Circuit in *United States v. Carrillo-Lopez*, Case No. 21-10233. The parties agreed that there are overlapping issues and that the Ninth Circuit's decision will guide or affect this Court's review of the questions presented in Defendant's motion to dismiss. The parties agreed with the Court that there is good reason to hold off on hearing the motion to dismiss until after the Ninth Circuit issues a decision in *Carrillo-Lopez*. The parties agreed that there are no factors counseling against hearing the motion after the Ninth Circuit issues its decision.

Accordingly, the Court **VACATES** the May 4, 2022, hearing on Defendant's motion to dismiss. The Court scheduled a status conference for September 14, 2022, at 2:30pm to check on the status of *Carrillo-Lopez* and to set a supplemental briefing schedule and hearing date on Defendant's motion to dismiss, as necessary.

The Court stated without objection that time will continue to be excluded pursuant to 18 U.S.C. § 3161(h)(1)(D) during the pendency of Defendant's motion to dismiss.

CASE CONTINUED TO: September 14, 2022, at 2:30 PM, for Status Conference.